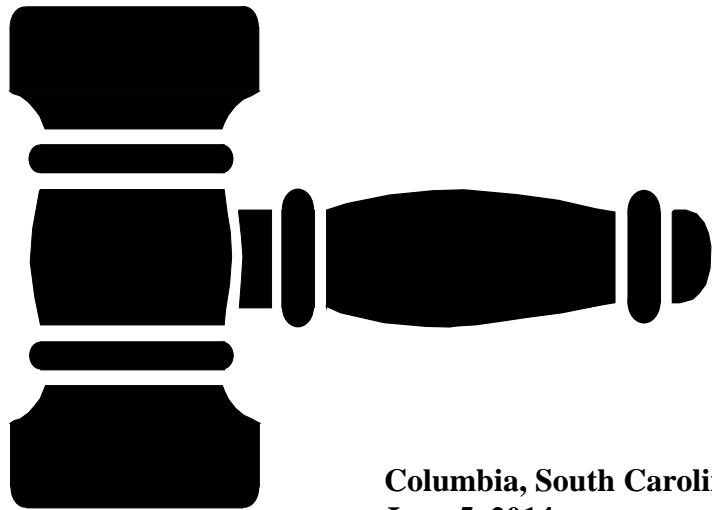


JUDICIAL MERIT SELECTION COMMISSION

Policies and Procedures



**Columbia, South Carolina
June 5, 2014**

Judicial Merit Selection Commission

Commission Members:

Senator Larry A. Martin	Representative Alan D. Clemmons
Senator George E. "Chip" Campsen, III	Representative David J. Mack, III
Senator Gerald Malloy	Representative Bruce W. Bannister
Ms. Kristian C. Bell, Esquire	John Davis Harrell, Esquire
Mr. Joseph Preston "Pete" Strom, Jr.	H. Donald Sellers, Esquire

Contact for Questions & Information:

Jane O. Shuler, Chief Counsel
(803) 212-6629 (M-Th)
104 Gressette Building

Staff Counsel:

Jane O. Shuler
Senate
Patrick G. Dennis
House of Representatives

Administrative Assistant

Jaynie Jordan
(803) 212-6623

Commission Mailing Address:

Judicial Merit Selection Commission
Post Office Box 142
Columbia, South Carolina 29202

Commission Fax Number:

(803) 212-6606

Commission Website:

<http://www.scstatehouse.gov/JudicialMeritPage/JMSCMainPage.php>

Commission Office:

212-6623; Room 102
Gressette Senate Office Building
1101 Pendleton Street
Columbia, South Carolina 29201

Table of Contents

Introduction	4
Evaluative Criteria.....	5
Procedural Rules of Commission	8
Procedural Rules of Citizens Committees	14
Guideline for Committee Interview Process	17
Current Law Judicial Screening Provisions	22
Personal Data Questionnaire	33
Personal Data Questionnaire Addendum	40
Personal Information Sheet	42
Statement of Economic Interests	43
Confidential Financial Statement.....	45
Retired Judge Application	47
Letter to Grievance Commissions.....	50
Witness Affidavit Form.....	51
Ballotboxonline Survey for Members of the Bench and Bar	53
Information Regarding Withdrawal from A Judicial Race	54

Introduction

Every elementary school student in South Carolina is taught that the essence of both our state and federal government is the system of checks and balances designed to maintain separation of powers and check any usurpation of power from one branch of government to another. Within this system, the judiciary is granted extraordinary and final authority to determine questions of law not only for the government, but for each citizen of South Carolina. Since Marbury v. Madison, 5 U.S. (1 Cranch) 137 2L.Ed. 60 (1803), the preeminence of the judiciary's authority in such matters has remained unquestioned.

The Judicial Merit Selection Commission is charged by law to consider the qualifications of candidates for the judiciary. When the commission receives notice that an individual intends to seek election or reelection to the Bench, the commission conducts a thorough investigation of the candidate. The commission's investigation focuses on the evaluative criteria provided by law. These evaluative criteria include: integrity and impartiality; legal knowledge and ability; professional experience; judicial temperament; diligence and industry; mental and physical capabilities; financial responsibilities; public service; and ethics. The commission expects each candidate to exhibit a strong adherence to codes of ethical behavior, including the Rules of Professional Conduct governing attorneys practicing in South Carolina, the Code of Judicial Conduct regulating the activities of all judges in South Carolina, and the more generally accepted, but unwritten, rules of fairness and respect which should govern interaction among all of this state's citizens.

The Judicial Merit Selection Commission is also concerned that since the decisions of our judiciary play such an important role in people's personal and professional lives that all South Carolinians should have a voice in the selection of those judges. It is this desire for broad-based grassroots participation that has led to the statutory creation (§ 2-19-120) of the Citizens Committees on Judicial Qualifications. These committees composed of people from across the societal spectrum (doctors, lawyers, teachers, businessmen, and advocates) will be asked to advise the commission on the judicial candidates in their region. These reports will be based upon interviews by committee members with people who know the judicial candidates personally and professionally. Their input will guide the commission's investigation of judicial candidates. The rules governing the operation of the Citizens Committees are located in this manual.

While the law provides that the commission is to make findings as to qualifications, the commission views its role as also including an obligation to consider candidates in the context of the judiciary on which, if elected, they will serve and, to some degree, govern. To that end, the commission inquires as to the quality of justice delivered in the courtrooms of South Carolina and seeks to impart, through its questioning, the view of the public it represents as to matters of judicial temperament, concern for an informed Bench, and the absoluteness of the Judicial Canons as to recusal for conflict of interest, prohibition of ex parte communication, and the disallowance of the acceptance of gifts. The commission also seeks to impart its view that good temperament is an essential quality of a judge. Justice can surely prevail when a judge is courteous to litigants and lawyers alike.

Familiarize yourself with this policies and procedures manual. Focus particularly on the nine evaluative criteria and be advised that candidates will be asked to demonstrate their abilities in each of these areas. Candidates are also advised to review the "no pledging rule" of S.C. Code § 2-19-70 and the criminal penalties provided for violators. The commission has consistently reiterated its displeasure with those candidates who strain the "no pledging rule" so as to come to the commission with a "lock," albeit an informal one, on a judgeship. For more information, you may access the commission's web site at: www.scstatehouse.gov/html-pages/judmerit.html.

If you have questions about these materials or if we may otherwise be of assistance, contact the commission office at 212-6623. We look forward to working with each of you during this important screening process.

Judicial Merit Selection Commission - Evaluative Criteria (Updated January, 2007)

In the process of evaluating the qualifications of a judicial candidate, the Judicial Merit Selection Commission will consider all evidence properly presented and render a finding as to each candidate's qualifications to serve on the bench. Compliance with the South Carolina Code of Judicial Conduct is one standard by which the commission will measure the past conduct of sitting judges and the plans for future conduct of all candidates. In addition, candidates who are currently practicing law will be expected to have complied with the South Carolina Rules of Professional Conduct. The commission's evaluation of each candidate will be without regard to race, religion, color, national origin, age, sex, or disability and will be broadly based on the following categories of criteria:

1. Constitutional Qualifications or Statutory Requirements:

Candidates must meet the constitutional or statutory requirements of citizenship, residence, age, and professional experience.

Candidates for the Supreme Court, Court of Appeals, and circuit court must be: citizens of the United States and of the State of South Carolina; a resident of the State of South Carolina for at least five years prior to the judicial election; at least thirty-two years old; and a licensed attorney at law for at least eight years.

Candidates who are serving, or who have served, in the General Assembly must be out of office for a period established by law.

2. Ethical Fitness:

Candidates must have the ability to perform adjudicative duties impartially and to deal with litigants, lawyers, witnesses, and other courtroom participants objectively and without bias. Candidates should have a sense of humor and must exhibit trustworthiness, moral vigor, and strength of character. At a minimum, a sitting judge will be expected to have complied with the Code of Judicial Conduct's requirements to avoid impropriety, the appearance of impropriety, and partiality. The commission may, for example, consider as improper, or as raising an appearance of impropriety, letters of recommendation written on behalf of a sitting judge by attorneys who regularly appear before the judge or by past or future litigants in a matter before the court.

Although sitting judges may have accepted ordinary social hospitality, they must have complied with the Code of Judicial Conduct's prohibitions against the acceptance of gifts. The commission may inquire into a candidate's definition of ordinary social hospitality and of what constitutes a gift.

All candidates also must have complied with the rules against ex parte communication. The commission may inquire into a candidate's policy on ex parte communication and how he or she might handle a given situation.

A candidate's past actions and deeds should demonstrate consistent adherence to high ethical principles, and his or her reputation should be above reproach. The commission expects each candidate to strictly follow the ethical requirements of South Carolina law, and among other possible inquiries, the commission will look to make sure that candidates have made campaign expenditure filings where required and have not violated laws against seeking or receiving pledges from members of the General Assembly. The commission expects candidates to follow the spirit as well as the letter of the ethics laws, and it will view violations or the appearance of impropriety as serious and potentially deserving of heavy weight in screening deliberations.

Chapter 19 of Title 2 and § 8-13-920 of the South Carolina Code of Laws apply and candidates must comply with the requirements of these provisions. Chapter 19 of Title 2 was last amended by Act 391 of 1996 and § 2-19-70 now prohibits the direct or indirect solicitation of pledges by a candidate or on his or her behalf before the commission has formally issued its screening report. Violations by candidates of § 2-19-70 are misdemeanors and must be reported by the commission to the State Ethics Commission. The commission may consider violations of § 2-19-70 when it considers a candidate's qualifications.

3. Professional and Academic Ability:

All candidates are expected to be well versed in fundamental legal principles and in procedural and evidentiary rules. A candidate must have the ability to communicate in a style that is both lucid and persuasive and must have the intellectual capacity to interpret established legal principles, apply them to specific factual situations, and clearly and logically communicate the reasoning leading up to

his or her conclusion. The commission will review each candidate's academic record, participation in continuing legal education or other seminars, legal writing, and reputation among professional colleagues to evaluate legal knowledge and ability. The commission may elicit the opinions of professional colleagues with first-hand knowledge of a candidate's legal ability and general reputation.

It is important, especially on the appellate court level, that a candidate has the ability to work well with others and to build or reach consensus when appropriate. The commission also recognizes, however, that deliberation is important on the appellate level and expects candidates for such office to respect the importance of meaningful appellate review.

Each candidate, including both retired and sitting members of the judiciary, must be dedicated to continuing legal education and to keeping abreast of recent decisions and new ideas in the law and public policy. The commission will expect candidates to have, at a minimum, complied with the South Carolina rules for continuing legal education.

4. Character:

The integrity of the judiciary and the confidence of citizens in the judiciary system can only be maintained through the selection of judges with the highest personal and professional standards. The commission will look to the character of candidates regarding their ethical standards, work habits, and financial responsibility through a thorough investigation of any complaints, grievances, or criminal allegations made against a candidate.

The commission believes that financial responsibility demonstrates self-discipline and the ability to withstand pressures that might compromise independence and impartiality. The commission will therefore look for evidence of a troubled financial status such as tax liens, unsatisfied judgments, a poor credit rating, or bankruptcy proceedings.

The commission also believes that judges must recuse themselves when a matter presents an actual conflict of interest or the appearance of impropriety. The commission will therefore investigate to determine whether sitting judges have failed to recuse themselves in the past in circumstances where the Code of Judicial Conduct dictated or suggested recusal. The commission will also look at the economic interests of each candidate to determine whether they could pose conflict of interest dilemmas in the future.

The demands of rising caseloads have accentuated the importance of selecting diligent and industrious judges. The commission will look for character traits such as self-discipline, constancy, perseverance, attentiveness, and punctuality as evidence of diligence and industry. The commission will also look to ensure that a candidate can balance the personal demands of family and outside interests with the rigors of service on the bench.

5. Reputation:

Practicing lawyers and those who have constant exposure to the state's court system must have confidence in those who make up the state's judiciary. The commission will therefore solicit information from members of the Bar, Clerks of Court, and other pertinent individuals on each candidate through responses to questionnaires and interviews of members of the Bar.

Diversity in the backgrounds of judges is useful in giving the judiciary some familiarity with sensitivity to the range of social issues confronting courts today; therefore, the commission will consider non-legal experience in evaluating judicial qualification. The commission will look with favor on a candidate's involvement in community affairs, public office, or pro bono service. The commission may also inquire into a candidate's views on social issues and his or her desire to affect public policy. The commission will, however, seek to ensure that all candidates follow the Code of Judicial Conduct's prohibitions against certain extra-judicial activities and its rules governing the use of judicial office. The commission will investigate to determine whether a sitting judge has misused his or her office for such purposes in the past.

6. Physical Health:

The demands of the judicial office require a high level of performance, and candidates must be both mentally and physically capable of performing the duties of the office sought with or without reasonable accommodation for any mental or physical impairment that substantially limits a major life activity. The commission will therefore seek to determine that each candidate can perform the functions of the job with or without reasonable accommodation.

7. Mental Stability:

The demands of the judicial office require a high level of performance, and candidates must be both mentally and physically capable of performing the duties of the office sought with or without reasonable accommodation for any mental or physical impairment that substantially limits a major life activity. The commission will therefore seek to determine that each candidate can perform the functions of the job with or without reasonable accommodation.

8. Experience:

The extent and variety of a candidate's experience as an attorney or as a judge or both should be considered in light of the nature of the judicial vacancy to be filled. Significant trial experience is desirable, although it is not a requirement, particularly in a candidate for the trial bench. The commission's most important consideration will be the depth and breadth of the professional experience and the competence with which it has been performed, rather than the candidate's particular type of experience. The commission may consider the candidate's expansive experience in one area as compensating for limited experience in other areas of practice. The commission may look to a candidate's Martindale-Hubbell rating, reputation among professional colleagues, or other evidence of professional experience. The length of time that a candidate has practiced should be long enough to provide a basis for the evaluation of the candidate's demonstrated performance and long enough to ensure that the candidate has had substantial exposure to a variety of legal problems and the judicial process.

9. Judicial Temperament:

The commission will place strong emphasis on each candidate's ability to consistently exhibit exemplary judicial temperament. Conduct that is disrespectful, arrogant, impatient, or arbitrary is an impediment to the administration of justice, and the commission may find that a candidate who has exhibited such unacceptable conduct is unfit for service on the bench. Among the qualities that comprise such temperament are patience, open-mindedness, courtesy, tact, firmness, understanding, compassion, and humility. Because the judicial function is essentially one of facilitating conflict resolution, judicial temperament requires the ability to deal with lawyers, litigants, jurors, witnesses, staff, and other courtroom participants calmly and courteously and the willingness to hear and consider the views of all sides. Factors that indicate a lack of judicial temperament include arrogance, impatience, pomposity, arbitrariness, and tyranny.

PROCEDURAL RULES FOR THE JUDICIAL MERIT SELECTION COMMISSION

Revised: April 28, 2014

1. The commission shall meet as soon after appointment as practicable and thereafter at least once annually for purposes of organization and election of a chairman and vice chairman and to adopt rules necessary for the purposes of the commission. The chairman of the commission must be a legislator.
2. Each chairman shall select appropriate counsel and staff to serve the needs of the commission. The chairmanship and vice chairmanship of the commission shall alternate on a calendar-year basis between the House of Representatives and the Senate. However, both the House of Representatives and Senate shall provide appropriate counsel and staff each year to perform the duties of the commission. If the chairman and vice-chairman positions are vacant, the most senior Senator shall preside until a chairman or vice chairman is elected.
3. The chairman shall preside over all meetings and hearings of the commission. In his absence, the vice-chairman shall preside. In the absence of both the chairman and vice-chairman, the most senior legislator shall preside until the chairman or vice-chairman is present.
4. Commission staff will create a database in which the terms of every judge subject to screening by the commission will be stored. This database will be used by staff to monitor when judicial vacancies are to occur in accordance with the provisions of § 2-19-20.

The commission upon receiving notice of a judicial vacancy, ascertaining that a judicial vacancy shall occur, or receiving the decision of an incumbent judge regarding his seeking reelection shall notify the Supreme Court of the vacancy for publication in the advance sheets provided by the Clerk of the Supreme Court at least thirty days prior to closing applications for the vacancy. The commission shall, if practicable, also notify the South Carolina Bar, other professional legal organizations it considers appropriate, and each newspaper of this State with daily circulation of the vacancy at least thirty days prior to closing applications for the vacancy. This notice must include, but not be limited to, the judicial office in which the vacancy occurs, the address to which, and the date by which interested candidates may apply.

5. The period within which a candidate must file a notice of intention to seek a particular judicial office shall be a minimum of three weeks, commencing on the date of publication of the public notice.
6. Candidates must specify the race and seat number in which they are interested in the letter of intent required to receive application materials. Once a candidate has submitted a letter of intent, the candidate may not withdraw and submit a letter of intent for a different seat. However, a candidate may withdraw at any point in the screening process, and the candidate will no longer be considered a judicial candidate for that screening.
7. The Judicial Merit Selection Commission shall release, prior to the application filing deadline, the names of those individuals who have submitted the written acknowledgement form or their application package.
8. Upon receipt of a written notice of intent to seek a judicial seat, and on the date set for distribution of

applications, the Judicial Merit Selection Commission staff shall give the candidate a Universal Serial Bus (USB) or flash drive containing the application forms that the candidate must complete. Each candidate must use the USB or flash drive to complete the forms on a computer and must return the USB or flash drive with the forms on it completed by the deadline for applications. Each candidate also must submit a printed copy of each form containing the candidate's original signature by the deadline for applications. If a candidate does not have access to a computer or is unable to comply with this rule for some other good reason, he or she should submit a written request to be exempted from this rule. In such a situation, staff will give the candidate printed copies of the forms and will accept typed or hand-written answers, if received by the deadline for applications. If the written application and the USB, flash drive, or diskette are not returned by the deadline, the candidate will be disqualified from the judicial race. This rule also applies to the letters of recommendation that the candidate requests from five other people, including his or her banker, unless extenuating circumstances exist beyond the candidate's control. A photocopy or electronic submission of a letter of recommendation will not be accepted.

9. Candidates must file all application materials with the Judicial Merit Selection Commission by the deadline for candidate applications. Failure to comply with the deadline shall be a complete bar to consideration of that candidate by the commission. No right of appeal exists for a missed deadline. The Chief Counsel of the Commission or his designee may reject a candidate's application at the deadline, if on its face, the application does not meet the constitutional or statutory qualifications of citizen of the United States and South Carolina, resident of the State of South Carolina for at least five years prior to the judicial election, at least 32 years old, and a licensed attorney at law for at least eight years.
10. The Judicial Merit Selection Commission is authorized to investigate and obtain information relative to any candidate from any state agency or other group including, but not limited to, court administration and any law enforcement agency, to the extent permitted by law. The chairman of the commission shall notify the president of the South Carolina Bar of the judgeships to be filled and of the candidates for those judgeships no later than four weeks before the scheduled date for the public hearing.
11. Judicial Merit Selection Commission legal staff shall conduct an interview with each candidate and all witnesses at dates and times to be determined by the commission's legal staff.
12. Upon the scheduling of a public hearing concerning the qualifications of judicial candidate(s), the commission staff shall inform the public of those candidates to be screened and the date, place, and time of the hearing through a news release to be sent to the media in each major market in South Carolina, applicable bar organizations, and the candidates at least two weeks prior to the date of the hearing.
13. Any person, organization, or association wishing to come before the commission to testify at a hearing or to submit documents for consideration by the commission must submit a sworn statement to the commission using the witness affidavit form provided by the commission by such deadline as the commission may establish prior to the hearing, but no later than two weeks prior to the date and time set for the hearing, unless sufficient cause is determined by the Judicial Merit Selection Commission for allowing the submitting individual's testimony after the deadline. Commission staff is charged with reviewing the affidavit of complaint to determine if the allegations, if true, appear to present allegations relating to the candidate's character, competency, or ethics. However, if staff determines that the affidavit of complaint, on its face, does not state allegations relating to the candidate's

character, competency, or ethics, the complaint will be dismissed and it will not be considered at the Public Hearing.

Also, the Judicial Merit Selection Commission may issue a subpoena at any time in order to provide for necessary investigations. Sufficient cause could include, but is not limited to, allegations related to the character and fitness of the candidate, which occurred on or after the deadline for filing a witness affidavit or allegations which would corroborate already filed witness affidavit forms. Character and other affidavits filed in support of the candidate will not be permitted for consideration by the commission.

14. Each candidate shall be furnished a copy of all, if any, sworn statements and documents submitted in relation to his or her candidacy prior to the hearing, as soon after their receipt by the commission as practicable.
15. Unless indicated otherwise by the commission, the order of business for a hearing is as follows:
 - (a) The chairman will open the meeting and call for an executive session in which the chairman will brief the hearing's procedures and subject matter, and the commission will dispose of any matters affecting its rules or procedures.
 - (b) The commission will go into open session and the chairman will determine whether the candidates to be screened are present. Each candidate will in turn be sworn and stand before the commission. Staff counsel and any commission member who wishes will review the personal data questionnaire and question the candidate in regard to that information and any other matter relating to the candidate's qualifications, after which the questionnaire will be made a part of the record. The candidate will be allowed to respond and to explain his or her answers to all inquiries.
 - (c) The chairman will call and swear in witnesses who have either submitted a sworn statement by the deadline established by the commission prior to the hearing or have been subpoenaed by the commission to appear. Staff counsel and commission members will question the witnesses, and the candidate may submit proposed questions to the commission for consideration. Upon the completion of testimony, the candidate may respond to the testimony given.
 - (d) Upon hearing all testimony, the commission shall meet in executive session to discuss and make findings regarding the qualifications of the candidate.
 - (e) A reasonable time thereafter, the commission shall render a decision as to whether each candidate screened is qualified for judicial office and the reasons for the decision. The commission shall review the qualifications of all candidates and select therefrom the names and qualifications of three candidates whom the commission considers best qualified for the judicial office under consideration along with a summary of those candidates who did not withdraw and whose names were not forwarded to the General Assembly for consideration. If fewer than three persons apply to fill a vacancy or if the commission concludes there are fewer than three candidates qualified for a vacancy, the commission shall submit to the General Assembly only the names and qualifications of those who are considered to be qualified, with a written explanation for submitting fewer than three names.
 - (f) Upon the completion of all business scheduled for the hearing, the chairman will adjourn the

hearing; however, a subsequent meeting may be scheduled should there be other related matters the commission needs to address.

16. During public hearings only the candidate currently being screened, or candidates who have already been screened, may be in the room in which the hearings are conducted. Any candidate who has not yet been screened must not be in the room in which the hearings are conducted, or in the hallway or other close proximity where the candidate might overhear the proceedings. This rule also applies to the candidate's relatives, employees, counsel, friends, or others who might be inclined to relay information about the proceedings to the candidate. The Judicial Merit Selection Commission may consider violations of this rule in deliberations on the candidate's fitness for service on the bench. The Judicial Merit Selection Commission staff is responsible for monitoring compliance with this rule, providing a place for candidates and their guests to wait, and notifying each candidate of his or her turn before the Judicial Merit Selection Commission.
17. The commission will, in the process of evaluating the qualifications of a judicial candidate, consider all evidence presented and render a finding as to each candidate's qualifications to serve as a judge and the reasons for that finding. In evaluating a candidate's performance in a particular evaluative criterion, the commission shall determine whether the candidate's performance in that area does not meet expectations or meets expectations. The term "does not meet expectations" means that the commission believes that the candidate's performance in that particular area is not sufficient for someone seeking election as a judge. The term "meets expectations" means that the commission believes that the candidate's performance in that particular area is adequate for someone seeking election as a judge. If a candidate has been screened within the preceding twelve months from the date of the public hearing, then the prior report may be incorporated into the commission's findings with the candidate's consent. If the candidate is not one of the three candidates chosen by the commission to be recommended to the General Assembly, the candidate may withdraw, which will preclude his or her qualifications from being included in the commission's findings. The candidate may also opt to allow the commission to publish his or her name as a candidate who was not recommended, which will include the commission's findings on that candidate.
18. The chairman may call a meeting of the commission by notifying the members of the commission and informing each member of the nature of the meeting.
19. These commission rules may be amended or suspended, except as provided for by law, upon a majority vote of all commission members with said votes to be made either in person or by proxy.
20. A quorum for purposes of a screening hearing or commission meeting shall consist of at least six commission members. In all instances, a written proxy must be used if that member is to be counted as if that member were present.
21. For votes regarding findings of the commission and the reasons therefore relating to the qualifications of a judicial candidate, each commission member's vote shall be recorded. If a commission member recuses him or herself from the vote or is absent without leaving a written proxy, the candidate found qualified and nominated must receive a majority of the votes of the members present and voting.
22. All evidence and testimony or proposed testimony shall remain confidential.
23. Candidates and witnesses may be accompanied by counsel; however, counsel cannot participate in the

hearings.

24. No candidate for judicial office may seek directly or indirectly the pledge of a member of the General Assembly's vote or, directly or indirectly, contact a member of the General Assembly regarding screening for the judicial office until the qualifications of all candidates for that office have been determined by the Judicial Merit Selection Commission and the commission has formally released its report as to the qualifications of all candidates for the vacancy to the General Assembly. No member of the General Assembly may offer his pledge until the qualifications of all candidates for that office have been determined by the Judicial Merit Selection Commission and until the commission has formally released its report as to the qualifications of its nominees to the General Assembly. The formal release of the report of qualifications shall occur no earlier than forty-eight hours after the nominees have been initially released to members of the General Assembly. For purposes of this section, indirectly seeking a pledge means the candidate, or someone acting on behalf of and at the request of the candidate, requesting a person to contact a member of the General Assembly on behalf of the candidate before nominations for that office are formally made by the commission. The prohibitions of this section do not extend to an announcement of candidacy by the candidate and statements by the candidate detailing the candidate's qualifications. If a candidate knows of any solicitations for pledges on his behalf, the candidate has an affirmative duty to inform the commission of the activity. The commission must include in its screening report to the General Assembly any evidence and findings of fact regarding the solicitation of pledges attempted in violation of state law or screening commission rules.

The privilege of the floor in either house of the General Assembly may not be granted to a former member during the time his application is pending before the commission and during the time his nomination by the commission for election to a particular judicial office is pending in the General Assembly.

Violations of this section by members of the General Assembly shall be reported by the commission to the House or Senate Ethics Committee, as may be applicable. Violations of this section by non-legislative commission members shall be reported by the commission to the State Ethics Commission. If the commission finds there is substance to an alleged violation, the violation shall be reported in the form of a formal complaint from the Judicial Merit Selection Commission to the Senate or House Ethics Committee or to the State Ethics Commission. The Ethics Committee or Ethics Commission shall respond to the Judicial Merit Selection Commission within ten days, as to the merit of the complaint. If the complaint is groundless, the election will be held as scheduled. If an investigation is required, the nature of that investigation will be included in the findings the commission makes to the General Assembly regarding qualifications of candidates. A violation of this section is a misdemeanor and, upon conviction, the violator must be fined not more than one thousand dollars or imprisoned not more than ninety days.

25. Unless conducted in an alternate manner allowed by law, retired judges shall be screened in a similar manner as active judges.
26. Unless expressly authorized by the commission, no candidate may contact any member of the commission concerning a candidate's qualification for judicial office. Violations of this rule will be considered by the commission when determining a candidate's fitness for judicial service.
27. No later than six months before the expiration of a judge's term, commission staff will contact the

judge in writing by electronic communication (e-mail) to determine whether the judge intends to seek reelection for another term. The statement of intention made by the judge at that time shall not be considered binding on the judge.

28. The commission shall include in its survey of the bench and bar all clerks of court in South Carolina as well as any other county officials who have significant contact with members of the state's judiciary. This survey may be conducted through using an electronic ballot. It is recommended that a member of the bar, each clerk, or any other court official complete only one electronic ballot per judicial candidate.

CITIZENS COMMITTEES ON JUDICIAL QUALIFICATIONS

MISSION STATEMENT

The decisions of our state's judiciary affect the property and lives of every citizen even when they are not parties to an action in the courts. The Judicial Merit Selection Commission is concerned that since the decisions of our judiciary play such an important role in people's personal and professional lives that all South Carolinians should have a voice in the selection of those judges. It is this desire for broad-based grassroots participation that has led the Commission to create the Citizens Committees on Judicial Qualifications. These committees composed of people from across the societal spectrum (doctors, lawyers, teachers, businessmen, and advocates) will be asked to advise the Commission on the judicial candidates in their region. These reports will be based upon interviews by committee members with people who know the judicial candidates personally and professionally. Their input will guide the Commission's investigation of judicial candidates.

RULES **(Effective as of 4/16/13)**

1. The state will be divided into five geographical districts each of which will contain one Citizens Committee on Judicial Qualifications. The districts shall be comprised as follows:
 - (a) The Lowcountry District: shall comprise the first, ninth, and fourteenth judicial circuits;
 - (b) The Pee Dee District: shall comprise the third, fourth, twelfth, and fifteenth judicial circuits;
 - (c) The Midlands District: shall comprise the second, fifth, and eleventh judicial circuits;
 - (d) The Piedmont District: shall comprise the sixth, eighth, and sixteenth judicial circuits; and
 - (e) The Upstate District: shall comprise the seventh, tenth, and thirteenth judicial circuits.
2. The chairman and vice chairman of the Commission will select no more than ten public members for each of the five districts. Committee members serve at the will and pleasure of the chairman and vice chairman of the Commission.
3. In making his appointments, the chairman should consider that the diversity of our state is represented in the members for each district.
4. After appointment, the chairman and vice chairman of the Commission will select the chairman of each district. The chairman of each district will be responsible for scheduling meetings for the committee, arranging contacts by members of the committee of appropriate people during the review process, and preparing a report for

each candidate to submit to the Commission for its consideration.

5. When presented a list of candidates from its area, the committee shall begin the process of reviewing that candidate's qualifications. The committee for each region shall divide into subcommittees of not less than three members to investigate the candidates for its region.
6. After receiving the names of judicial candidates in their region, committee members may ask each candidate to provide the names of a diverse group of people within the community who are familiar with the candidate's qualifications and character. The committee may interview other individuals as it shall choose.
7. If a committee member has any relationship with a candidate that may impair his ability to be objective or which may undermine the appearance of impartiality of the committee, the member shall inform the chairman of the committee of the potential conflict of interest. The chairman shall take the relationship of the member and candidate into account when appointing subcommittees to investigate candidates.
8. The committee's report will be due no later than five days prior to the beginning of public hearings unless otherwise provided by the Commission. However, if during the course of its investigation the committee discovers information that warrants further investigation by the full Commission, the committee shall forward its concerns as soon as possible along with the basis of those concerns to the Commission. If the committee has not finished its report prior to the beginning of public hearings, the Commission may proceed without the input of the committee.
9. The committee's reports should be constructed so as to evaluate each candidate according to the evaluative criteria used by the Commission. These criteria, as set forth in Section 2-19-35(A), include the following:
 - (1) constitutional qualifications;
 - (2) ethical fitness;
 - (3) professional and academic ability;
 - (4) character;
 - (5) reputation;
 - (6) physical health and mental stability;
 - (7) experience; and
 - (8) judicial temperament.
10. In making its report, the committee should endeavor to protect the confidentiality of its sources who request anonymity. If a source is cited in the report, and the source requests anonymity, the source should be assigned a witness number that is known only to the Commission Chairman and staff.
11. When forwarding the names of candidates to the committees for review, the Commission shall attach all non-confidential materials in its possession that will aid in the committee's review of judicial candidates. If a member of a committee discovers information that is probative of a candidate's qualifications or character

and which will aid in the committee's investigation, the committee chairman shall notify the Commission of its existence and request that it be obtained.

12. No member of a regional committee may disclose any information, other than to a Commission member or Commission staff, regarding any phase of the committee's investigative process or the results therefrom. Likewise, the committee's report is a privileged communication produced solely for the benefit of the Commission and shall not be distributed except to the candidate and as determined by the Commission. All documents created by the committee during the course of investigation shall be turned over by the committee to the Commission to be either destroyed or filed in accordance with state law.
13. As a condition of appointment, each committee member agrees that:
 - (a) During his or her service on the committee, he or she will abstain from endorsing or participating in any judicial candidate's campaign for office, and will refrain from appearing before or voting on any other committee or commission involved in the judicial selection process (This prohibition shall not preclude any member from participating in a survey or interview process wherein the member's personal opinions about judicial candidates are solicited.); and
 - (b) Service on the committee results in a relationship between committee members that may create a conflict of interest if committee members who have served together later evaluate one another. Therefore, no committee member shall offer for or accept a nomination for a South Carolina judicial position while a member of the committee and for a minimum of one year after leaving the committee.
14. Each member of the committee must actively participate in the screening process. If a member misses two unexcused consecutive meetings of the committee within one year, they will be removed from membership on the committee. The chairman of the committee must submit an attendance record of each member's participation at the completion of each screening.
15. The Chairman for each region is responsible for ensuring that the rules of the committee are followed by all members of the committee.

GUIDELINES FOR COMMITTEE INTERVIEW PROCESS

1. Absent unusual circumstances, the committee members charged with investigating a candidate's qualifications shall seek interviews with the following:
 - (a) as broad a cross-section of members of the candidate's community as practicably possible;
 - (b) members of the bench and bar in the county in which the candidate practices; and
 - (c) the candidate, if such an interview would aid the committee members in determining the credibility or substance of allegations received by the committee regarding the candidate's qualification for office.
2. If the committee members choose to interview the candidate, the interviews should be conducted by at least three committee members and jointly if feasible.
3. After the interview, a candidate may submit to the committee additional information or material relevant to adverse allegations raised in the interview.
4. The form and manner of any individual committee member's report to the committee shall be left to the discretion of each committee member. However, each committee member shall report the number of interviews sought and held.
5. If a candidate whom the committee has recently evaluated offers or is nominated again for the same court, the committee shall decide whether to resubmit the report of the candidate. Prior to that decision, the committee shall proceed, as follows:
 - (a) The committee will determine at the time whether it will investigate further or rely upon its earlier investigation. In determining whether to reinvestigate or confirm its prior action, the committee shall consider all relevant factors, including the following:
 - (1) whether there may be facts or information not previously investigated or concerning acts or occurrences since the previous investigation;
 - (2) the extent to which additional facts or information would aid the committee as to determination of a material issue;

- (3) the extent to which affording a candidate a further opportunity to rebut adverse information would assist the committee in determining a material issue or merely be cumulative; and
 - (4) the nature and extent of the previous investigation and its continuing applicability.
 - (b) A previously completed investigation should not be considered timely if more than twelve (12) months have lapsed between the time of the completion of the prior investigation and the filing for the subsequent judicial position.
- 6. This rule prohibits disclosure of any information of any nature that might compromise the confidentiality of the source of the information.
 - (a) All phases of the committee's activity, i.e., the results of interviews with any respondents, the vote or comments of any individual committee member or the vote of the committee as a whole, as well as any other matters connected with the investigation are absolutely confidential and shall not be disclosed to anyone not a member of the committee. Written reports to the Commission may be prepared with the assistance of clerical staff supporting the committee who shall be bound by the confidentiality provisions of these rules.
 - (b) A committee member, in respect of persons whose names are submitted to the committee for consideration of their qualifications for appointment to the bench, shall not disclose to others in any manner, except for the purposes of confidential inquiry in connection with the committee's consideration of such person:
 - (1) The discussion, deliberations, or actions of the committee concerning any such person;
 - (2) Any information concerning the person obtained during investigation or at a meeting of the committee; and
 - (3) The Personal Data Questionnaires of persons whose names have been submitted to the committee.
- 7. If a committee member has or has had any significant familial, professional, business, social, political, or other relationship, either adversarial or allied, direct or indirect, with a candidate, he or she shall immediately disclose to the committee Chair the nature and circumstances of the relationship.

If the committee member having such a relationship determines that it would unduly influence his or her consideration of the candidate's qualifications, the committee member shall disqualify himself or herself from participating in the

investigation, report, deliberation, and ultimate evaluation of the candidate involved in the conflict as well as other candidates for the same seat and refrain from attempting to influence other committee members the candidates.

☐ evaluation

If a committee member is disqualified pursuant to this section, the report of the committee shall reflect the identity of the member and the race in which he or she did not participate. The reason for the disqualification shall not be reported.

If a committee member determines that a particular relationship does not require disqualification and the Chair determines that the relationship does require disqualification, the Chair's determination shall prevail.

8. As a condition of appointment, each committee member agrees that:
 - (a) During his or her service on the committee, he or she will abstain from endorsing or participating in any judicial candidate's campaign for office, and will refrain from appearing before or voting on any other committee or commission involved in the judicial selection process (This prohibition shall not preclude any member from participating in a survey or interview process wherein the member's personal opinions about judicial candidates are solicited.); and
 - (b) Service on the committee results in a relationship between committee members that may create a conflict of interest if committee members who have served together later evaluate one another. Therefore, no committee member shall offer for or accept a nomination for a South Carolina judicial position while a member of the committee and for a minimum of one year after leaving the committee.
9. The Chairman for each region is responsible for ensuring that the rules of the committee are followed by all members of the committee.

THIS LETTER WAS SENT TO CITIZENS COMMITTEE MEMBERS WHEN CONCERNS AROSE
REGARDING PERMISSIBLE QUESTIONS TO ASK JUDGES AND JUDICIAL CANDIDATES

October 1, 1998

Merge Name
Merge Address
Merge City, State, Zip

Dear _____:

Several questions have been raised about what types of questions are permissible to ask judges and judicial candidates during the course of the Citizen Committee's (hereinafter "committee") interview sessions with the judge or judicial candidate. While the best scenario is to ask questions that gives the committee and subsequently the Commission a broad-based view of the candidate as a person and a professional, there are categories of questions that a judge or judicial candidate can not answer because of prohibitions contained in the Judicial Canons of Conduct.

Canon 3(B)(9) provides that "[a] judge shall not, while a proceeding is pending or impending in any court, make any public comment that might reasonably be expected to affect its outcome or impair its fairness or make any nonpublic comment that might substantially interfere with a fair trial or hearing." For purposes of this section, the prohibition against comment by the judge lasts after the trial until all appeals are concluded. The impact of this section on the work of the committees is clear: a judge can not be asked any question, no matter how tangential, about a current trial. We would therefore caution the committees that questions concerning pending cases are inappropriate.

The second Judicial Canon that impacts the committee's ability to question judicial candidates is Canon 5(A)(3)(D). That canon provides that a judge or a candidate for judicial office shall not "make pledges or promises of conduct in office other than the faithful and impartial performance of the duties of the office; make statements that commit or appear to commit the candidate with respect to cases, controversies, or issues that are likely to come before the court." The canon specifically applies to "statement[s] made in the process of securing judicial office." Generally, the canon tries to prevent a candidate from making statements that the public could view as committing a judge to a particular decision or course of conduct when a specific type of matter comes before him. However, the commission has a constitutional mandate to "consider the qualifications and fitness of candidates for all judicial positions. "Part of fulfilling this constitutional mandate lies with the committee asking judges appropriate questions that will enlighten the commission about the candidate's judicial views. Recent court decisions in other jurisdictions hold that the prohibitions contained in Canon 5 restricting candidate comments about pertinent issues violate the constitutional guarantee of Freedom of Speech. The committees should feel free to ask questions of judges that they feel are appropriate in ascertaining a fair overview of a judge's judicial philosophy. Also permissible are questions that tend to evaluate a candidate's role and stature within his community. However, please be sensitive to the fact that a candidate must weigh his forthrightness to the screening process with his compliance to judicial ethics. If a candidate refuses to answer a question that you feel is warranted, please contact the commission.

It is also important to note that the Judicial Canons are not the only limitation on your ability to question candidates within the context of your interviews. The American with Disabilities Act (hereinafter "ADA") also restricts the types of questions that may be asked. Generally, the ADA restricts questions in

an employment setting about a candidate's physical health, mental health, and drug or alcohol treatment history.

I hope this letter has proven helpful. Thank you again for your important work on this project. If you have any questions about the scope of canons or about the permissibility of a particular question, please let me know. I look forward to hearing from you.

With warmest regards, I am

Sincerely,

Michael N. Couick

Current Law
Judicial Screening Provisions of Importance
to Candidates for Judicial Office

Updated: May 2010

Chapter 19 of Title 2: Judicial Merit Selection Commission

§ 2-19-10:

(A) Whenever an election is to be held by the General Assembly in Joint Session, for members of the judiciary, a Judicial Merit Selection Commission, composed of ten members, shall be appointed, in the manner prescribed by this section, to consider the qualifications of the candidates. The Judicial Merit Selection Commission shall meet at least once annually and at other times as may be designated by the chairman. The commission, at its first meeting and then annually, shall elect a chairman and a vice chairman who shall serve for a term of one year and until their successors are elected and qualified, and adopt rules necessary to the purposes of the commission. These rules shall address, among other things:

- (1) the confidentiality of records and other information received concerning candidates for judicial office;
- (2) the conduct of proceedings before the commission;
- (3) receipt of public statements in support of or in opposition to any of the candidates;
- (4) procedures to review the qualifications of retired judges for continued judicial service;
- (5) contacting incumbent judges regarding their desire to seek re-election;
- (6) prohibition against candidates communicating with individual members of the commission concerning the qualifications of candidates unless specifically authorized by the commission.

A member may succeed himself as chairman or vice-chairman. Six members of the commission constitute a quorum at all meetings.

(B) Notwithstanding any other provision of law, the Judicial Merit Selection Commission shall consist of the following individuals:

- (1) five members appointed by the Speaker of the House of Representatives and of these appointments:
 - (a) three members must be serving members of the General Assembly; and
 - (b) two members must be selected from the general public;
- (2) three members appointed by the Chairman of the Senate Judiciary Committee and two members appointed by the President Pro Tempore of the Senate and of these appointments:
 - (a) three members must be serving members of the General Assembly; and
 - (b) two members must be selected from the general public.

(C) In making appointments to the commission, race, gender, national origin, and other demographic factors should be considered to ensure nondiscrimination to the greatest extent possible as to all segments of the population of the State.

(D) The term of office of a member of the commission who is not a member of the General Assembly shall be for four years subject to a right of removal at any time by the person appointing him, and until his successor is appointed and qualifies. A member of the commission who is a serving member of the General Assembly shall serve for the term of office to which he has been elected.

(E) A vacancy on the Judicial Merit Selection Commission must be filled for the remainder of the unexpired term in the same manner as provided for the original selection.

(F) No member of the commission shall receive any compensation for commission services, except those set by law for travel, board, and lodging expenses incurred in the performance of commission duties.

(G) No member of the Judicial Merit Selection Commission is eligible for nomination and appointment as a judge or justice of the state court system or administrative law judge division while serving on the commission and for a period of one year thereafter.

§ 2-19-20:

(A) It is the responsibility of the Judicial Merit Selection Commission to determine when judicial vacancies are to occur in the administrative law judge division and on the family court, circuit court, Court of Appeals, or Supreme Court and to expeditiously investigate in advance the qualifications of those who seek nomination. For purposes of this chapter, a vacancy is created in the administrative law judge division or on the family court, circuit court, Court of Appeals, or Supreme Court when any of the following occurs: a term expires; a new judicial position is created; or a judge can no longer serve due to resignation, retirement, disciplinary action, disability, or death.

(B) The commission, upon receiving notice of a judicial vacancy, ascertaining that a judicial vacancy shall occur, or receiving the decision of an incumbent judge regarding his seeking re-election, shall notify the Supreme Court of the vacancy for publication in the advance sheets provided by the Clerk of the Supreme Court at least thirty days prior to closing applications for the vacancy. The commission shall, if practicable, also notify the South Carolina Bar, other professional legal organizations it considers appropriate, and each newspaper of this State with daily circulation of the vacancy at least thirty days prior to closing applications for the vacancy. This notice must include, but not be limited to, the judicial office in which the vacancy occurs, the address to which, and the date by which interested candidates may apply.

(C) The Judicial Merit Selection Commission shall announce and publicize vacancies and forthcoming vacancies in the administrative law judge division or on the family court, circuit court, Court of Appeals, or Supreme Court. A person who may desire to be considered for nomination as justice or judge may make application to the commission. The commission shall announce the names of those persons who have applied.

(D) Any person wishing to seek a judicial office, which is elected by the General Assembly, shall file a notice of intention to seek the office with the Judicial Merit Selection Commission. Upon receipt of the notice of intention, the commission shall begin to conduct the investigation of the candidate as it considers appropriate and may in the investigation utilize the services of any agency of state government. This agency shall, upon request, cooperate fully with the commission.

§ 2-19-25:

The Judicial Merit Selection Commission is authorized to investigate and obtain information relative to any candidate for an administrative law judgeship or a family court, circuit court, Court of Appeals, or Supreme Court judgeship from any state agency or other group including, but not limited to, court administration and any law enforcement agency, to the extent permitted by law. The chairman of the commission shall notify the president of the South Carolina Bar of the judgeships to be filled and of the

candidates for those judgeships no later than four weeks before the scheduled date for the public hearing. The chairman of the commission shall also request the South Carolina Bar to offer the commission an assessment of each candidate's qualifications for the judgeship sought, and the date by which the assessment must be returned to the commission. This assessment must specify the bar's finding as to whether each candidate is qualified or unqualified for the judgeship sought and the reasons for that finding. The commission may receive the bar's assessment in that form and at that time it desires but shall attach the assessments to its findings of fact in such form as the commission considers appropriate. Failure of the bar to return the assessment by the date requested is not a ground for delaying the applicable hearings or election.

§ 2-19-30:

(A) Upon completion of the investigation, the chairman of the Judicial Merit Selection Commission shall schedule a public hearing concerning the qualifications of the candidates. Any person who desires to testify at the hearing, including candidates, shall furnish a written statement of his proposed testimony to the commission no later than two weeks prior to the date and time set for the hearing unless sufficient cause is determined by the Judicial Merit Selection Commission for allowing the submitting individual's testimony after the deadline. The commission shall determine the persons who shall testify at the hearing. All testimony, including documents furnished to the commission, must be submitted under oath and persons knowingly furnishing false information either orally or in writing are subject to the penalties provided by law for perjury and false swearing.

(B) During the course of the investigation, the commission may schedule an executive session at which each candidate, and other persons whom the commission wishes to interview, may be interviewed by the commission on matters pertinent to the candidate's qualification for the office to be filled.

(C) A reasonable time thereafter the commission shall render its tentative findings as to whether the candidate is qualified for the office to be filled and its reasons therefore as to each candidate.

(D) As soon as possible after completion of the hearing, a verbatim copy of the testimony, documents submitted at the hearing, and findings of fact must be transcribed and published or otherwise made available in a reasonable number of copies to the members of both houses prior to the date of the scheduled election, and a copy thereof shall be furnished to each candidate and anyone else upon request. A charge for these copies may be made as authorized in the Freedom of Information Act.

(E) A candidate may withdraw at any stage of the proceedings and in this event no further inquiry, report on, or consideration of his candidacy shall be made.

§ 2-19-35:

(A) The responsibility of the Judicial Merit Selection Commission is to investigate and consider the qualifications of the candidates for judicial office in the administrative law judge division or on the family court, circuit court, Court of Appeals, or Supreme Court. Investigations and consideration of the commission should include, but are not limited to, the following areas:

- (1) constitutional qualifications;
- (2) ethical fitness;
- (3) professional and academic ability;
- (4) character;
- (5) reputation;

- (6) physical health;
- (7) mental stability;
- (8) experience; and
- (9) judicial temperament.

(B) In making nominations, race, gender, national origin, and other demographic factors should be considered by the commission to ensure nondiscrimination to the greatest extent possible as to all segments of the population of the State.

§ 2-19-40:

Notwithstanding the provisions of this chapter, when there is no known opposition to a candidate, and there appears to be no substantial reason for having a public hearing, whether or not a candidate is an incumbent, and no request is made by at least six members of the Judicial Merit Selection Commission for a public hearing, the commission chairman upon recommendation of the commission may determine that the public hearing is unnecessary and it may not be held.

§ 2-19-50:

All records, information, and other material that the Judicial Merit Selection Commission has obtained or used to make its findings of fact, except materials, records, and information presented under oath at the public hearing, must be kept strictly confidential. After the commission has reported its findings of fact, all records, information, and material required to be kept confidential must be destroyed. The information required to be kept confidential also shall be exempt from disclosure pursuant to Chapter 4 of Title 30.

§ 2-19-60:

The Judicial Merit Selection Commission in the discharge of its duties may administer oaths and affirmations, take depositions, and issue subpoenas to compel the attendance of witnesses and the production of books, papers, correspondence, memoranda, and other records considered necessary in connection with the investigation of the candidate.

No person shall be excused from attending and testifying or from producing books, papers, correspondence, memoranda, or other records before the Judicial Merit Selection Commission on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture. But no individual shall be prosecuted or subjected to any criminal penalty based upon testimony or evidence submitted or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that the individual so testifying shall not be exempt from prosecution and punishment for perjury and false swearing committed in so testifying.

In case of contumacy by any person or refusal to obey a subpoena issued to any person, any circuit court of this State, or circuit judge thereof within the jurisdiction of which the person guilty of contumacy or refusal to obey is found, resides, or transacts business, upon application by the Judicial Merit Selection Commission may issue to this person an order requiring him to appear before the commission to produce evidence if so ordered or to give testimony touching the matter under investigation. Any failure to obey an order of the court may be punished as a contempt hereof. Subpoenas shall be issued in the name of the Judicial Merit Selection Commission and shall be signed by the commission chairman. Subpoenas shall be

issued to those persons as the commission may designate.

§ 2-19-70:

(A) No member of the General Assembly may be elected to a judicial office while he is serving in the General Assembly nor shall that person be elected to a judicial office for a period of one year after he either:

- (1) ceases to be a member of the General Assembly; or
- (2) fails to file for election to the General Assembly in accordance with Section 7-11-15.

(B) The privilege of the floor in either house of the General Assembly may not be granted to a former member during the time his application is pending before the commission and during the time his nomination by the commission for election to a particular judicial office is pending in the General Assembly.

(C) No candidate for judicial office may seek directly or indirectly the pledge of a member of the General Assembly's vote or, directly or indirectly, contact a member of the General Assembly regarding screening for the judicial office until the qualifications of all candidates for that office have been determined by the Judicial Merit Selection Commission and the commission has formally released its report as to the qualifications of all candidates for the vacancy to the General Assembly. No member of the General Assembly may offer his pledge until the qualifications of all candidates for that office have been determined by the Judicial Merit Selection Commission and until the commission has formally released its report as to the qualifications of its nominees to the General Assembly. The formal release of the report of qualifications shall occur no earlier than forty-eight hours after the nominees have been initially released to members of the General Assembly. For purposes of this section, indirectly seeking a pledge means the candidate, or someone acting on behalf of and at the request of the candidate, requesting a person to contact a member of the General Assembly on behalf of the candidate before nominations for that office are formally made by the commission. The prohibitions of this section do not extend to an announcement of candidacy by the candidate and statements by the candidate detailing the candidate's qualifications.

(D) No member of the General Assembly may trade anything of value, including pledges to vote for legislation or for other candidates, in exchange for another member's pledge to vote for a candidate for judicial office.

(E) Violations of this section may be considered by the merit selection commission when it considers the candidate's qualifications. Violations of this section by members of the General Assembly shall be reported by the commission to the House or Senate Ethics Committee, as may be applicable. Violations of this section by non-legislative commission members shall be reported by the commission to the State Ethics Commission. A violation of this section is a misdemeanor and, upon conviction, the violator must be fined not more than one thousand dollars or imprisoned not more than ninety days. Cases tried under this section may not be transferred from general sessions court pursuant to Section 22-3-545.

§ 2-19-80:

(A) The commission shall make nominations to the General Assembly of candidates and their qualifications for election to the Supreme Court, Court of Appeals, circuit court, family court, and the administrative law judge division. It shall review the qualifications of all applicants for a judicial office and select therefrom and submit to the General Assembly the names and qualifications of the three candidates whom it considers best qualified for the judicial office under consideration. If fewer than three persons apply to fill a vacancy or if the commission concludes there are fewer than three candidates qualified for a vacancy, it shall submit to the

General Assembly only the names and qualifications of those who are considered to be qualified, with a written explanation for submitting fewer than three names.

(B) The nominations of the commission for any judgeship are binding on the General Assembly, and it shall not elect a person not nominated by the commission. Nothing shall prevent the General Assembly from rejecting all persons nominated. In this event, the commission shall submit another group of names and qualifications for that position. Further nominations in the manner required by this chapter must be made until the office is filled.

(C) (1) If the commission does not find the incumbent justice or judge qualified for the judicial office held and sought, his name shall not be submitted to the General Assembly for re-election and upon expiration of his then current term of office, he shall cease serving in that judicial position.

(2) If the commission finds an incumbent judge not qualified for the office sought, or if an incumbent judge dies, withdraws, or becomes otherwise disqualified for the office sought between the time he makes application for the office and the date of the election therefore, the election for the office may not be held at that scheduled time, and the commission shall proceed in accordance with the provisions of this chapter to make other nominations for the office as though a new vacancy without an incumbent exists in that office, including reopening the application process with all required notices. Nothing prevents the commission from including in its new nominations the names and qualifications of persons other than the incumbent judge it included in its previous nominations.

(D) The commission shall accompany its nominations to the General Assembly with reports or recommendations as to the qualifications of particular candidates.

(E) A period of at least two weeks must elapse between the date of the commission's nominations to the General Assembly and the date the General Assembly conducts the election for these judgeships.

§ 2-19-90:

The General Assembly shall meet in joint session for the election of judges. The date and time for the joint session shall be set by concurrent resolution upon the recommendation of the Judicial Merit Selection Commission. The Chairman of the Judicial Merit Selection Commission shall announce the commission's nominees for each judicial race, and no further nominating or seconding speeches shall be allowed by members of the General Assembly. In order to be elected, a candidate must receive a majority of the vote of the members of the General Assembly voting in joint session.

§ 2-19-100:

In order to be eligible for appointment by the Chief Justice to serve, any retired justice or judge of this State must have been reviewed by the Judicial Merit Selection Commission under procedures it shall establish to review retired judges

qualified to serve in these situations within four years of the date of his appointment to serve, except that if a justice or judge retired before the expiration of his then current term, no further review of that justice or judge is required until that term would have expired.

☐ qua

§ 2-19-110:

Upon a vacancy in the office of master-in-equity, candidates therefore shall submit an application to the Judicial Merit Selection Commission. Upon completion of reports and recommendations, the commission shall submit such reports and recommendations on master-in-equity candidates to the appropriate county legislative delegations. The county legislative delegations shall then submit the name of a candidate to the Governor for consideration for appointment. Nothing shall prevent the Governor from rejecting the person nominated by the delegation. In this event, the delegation shall submit another name for consideration. No person found not qualified by the commission may be appointed to the office of master-in-equity. For purposes of this section, a vacancy is created in the office of the master-in-equity when any of the following occurs: a term expires, a new judicial position is created, or a judge no longer can serve due to resignation, retirement, disciplinary action, disability, or death. The Judicial Merit Selection Commission may begin screening prior to the actual date of the vacancy in the case of an expiration of term, resignation, or retirement pursuant to written notice thereof.

§ 2-19-120:

(A) The Chairman of the Judicial Merit Selection Commission, upon the advice of the commission, shall select members to serve on Citizens Committees on Judicial Qualifications for each geographic district set by the commission. These committees shall, under the rules adopted by the commission, advise the commission concerning judicial candidates. The committees shall report their findings to the commission in such form as prescribed by the commission.

(B) The members appointed to the Citizens Committees on Judicial Qualifications shall be compensated with an emolument of one hundred dollars per round of screening.

Article 9, Chapter 13 of Title 8: Ethics Requirements (emphasis added)

§ 8-13-910:

(A) No person who is a candidate for public office which is filled by election by the General Assembly may be voted upon by the General Assembly until at least ten days following the date on which the candidate files a statement of economic interests as defined in this chapter with the Chairman of the Senate Ethics Committee and the Chairman of the House of Representatives Ethics Committee.

(B) No person who is appointed to an office which is filled with the advice and consent of the Senate or the General Assembly may be confirmed unless the appointment, when received by the Senate and/or House, is accompanied by a current original copy of a statement of economic interests which has been filed with the appointing authority and is transmitted with the appointment and until at least ten days following the date on which the appointment, with the attached original economic interest statement, has been received by the Senate and/or the House.

§ 8-13-920:

A person running for an office elected by the General Assembly must file a report with the Chairman of the Senate Ethics Committee and the Chairman of the House of Representatives Ethics Committee of money in excess of \$100 spent by him or in his behalf in seeking the office. The report must include the period beginning with the time he first announces his intent to seek the office. The report must not include travel expenses or room and board while campaigning. Contributions made to members of the General Assembly during the period from announcement of intent to election date must be included. The report must

be updated quarterly with an additional report filed five days before the election and the final report filed thirty days after the election. Persons soliciting votes on behalf of candidates must submit expenses in excess of \$100 to the candidate which must be included on the candidate's report. A copy of all reports received by the Senate Ethics Committee and the House of Representatives Ethics Committee must be forwarded to the State Ethics Commission within two business days of receipt.

§ 8-13-930:

No candidate for an office elected by the General Assembly may seek directly the pledge of a member of the General Assembly's vote until the qualifications of all candidates for that office have been determined by the appropriate joint committee to review candidates for that office. No member of the General Assembly may offer a pledge until the qualifications of all candidates for that office have been determined by the appropriate joint committee to review candidates for that office.

§ 63-3-30:

(A)(1) No person shall be eligible to the office of family court judge who is not at the time of his assuming the duties of such office a citizen of the United States and of this State, and has not attained the age of thirty-two years, has not been a licensed attorney at law for at least eight years, and has not been a resident of this State for five years next preceding his election, and is not a resident of the circuit wherein the family court of which he is a judge is located. Notwithstanding any other provision of law, any former member of the General Assembly may be elected to the office of family court judge.

(2) Any family court judge serving in office on the effective date of the provisions of this section requiring a family court judge to be at least thirty-two years of age and to have at least eight years of service as a licensed attorney at law who is not of that age or who has not been licensed for this required period of time may continue to serve for the remainder of his current term and is considered to have the requisite age and years of service as a licensed attorney at law for purposes of future re-elections to the office of family court judge.

§ 14-1-215:

A retired judge or justice from the Supreme Court, Court of Appeals, or circuit court of this State may be assigned by the Chief Justice of the Supreme Court to preside over any official proceeding in any circuit court of this State. A retired judge or justice from the Supreme Court or Court of Appeals of this State may be assigned by the Chief Justice of the Supreme Court to act as an associate justice or judge in any proceeding before the Supreme Court or Court of Appeals. A retired judge from the family court of this State may be assigned by the Chief Justice of the Supreme Court to preside over any official proceeding in any family court of this State.

In order to be eligible to be appointed by the Chief Justice to serve, any retired justice or judge of this State must have been reviewed in the manner provided in Section 2-19-10 et seq. and found by the commission to be qualified to serve in these situations within two years of the date of his appointment to serve, except that if a justice or judge retired before the expiration of his then current term, no further review of that justice or judge is required until that term would have expired.

§ 14-11-20:

Pursuant to the provisions of Section 2-19-110, masters-in-equity must be appointed by the Governor with the advice and consent of the General Assembly for a term of six years and until their successors are appointed and qualify. No person is eligible to hold the office of master-in-equity who is not at the time of his appointment a citizen of the United States and of this State, has not attained the age of thirty-two years upon his appointment, has not been a licensed attorney for at least eight years upon his appointment, has not been a resident of this State for five years immediately preceding his appointment, and has not been found qualified by the Judicial Merit Selection Commission.

Each master-in-equity of this State qualifies by taking the oath required by the Constitution of this State before a justice of the Supreme Court, a judge of the Court of Appeals, the President of the Senate, the Speaker of the House of Representatives, a circuit judge, the Clerk of the Supreme Court, a clerk of the court of common pleas, or a probate judge of the county and immediately enters upon his duties. The oath must be filed in the office of the Secretary of State.

A full-time master-in-equity is prohibited from engaging in the practice of law. A part-time master-in-equity may practice law but is prohibited from appearing before another master-in-equity. A standing master-in-equity may not serve as the probate judge of any county.

Article V of the S.C. Constitution: Qualifications for Judicial Office

S.C. Constitution Article V, § 3:

The members of the Supreme Court shall be elected by a joint public vote of the General Assembly for a term of ten years, and shall continue in office until their successors shall be elected and qualified, and shall be classified so that the term of one of them shall expire every two years. In any contested election, the vote of each member of the General Assembly present and voting shall be recorded.

S.C. Constitution Article V, § 8:

The members of the Court of Appeals shall be elected by a joint public vote of the General Assembly for a term of six years and shall continue in office until their successors shall be elected and qualify. In any contested election, the vote of each member of the General Assembly present and voting shall be recorded. Provided, that for the first election of members of the Court of Appeals, the General Assembly shall by law provide for staggered terms.

S.C. Constitution Article V, § 13:

The General Assembly shall divide the State into judicial circuits of compact and contiguous territory. For each circuit a judge or judges shall be elected by a joint public vote of the General Assembly; provided, that in any contested election, the vote of each member of the General Assembly present and voting shall be recorded. He shall hold office for a term of 6 years, and at the time of his election he shall be an elector of a county of, and during his continuance in office he shall reside in, the circuit of which he is judge.

The General Assembly may by law provide for additional circuit judges, to be assigned by the Chief Justice. Such additional circuit judges shall be elected in the same manner and for the same term as provided in the preceding paragraph of this section for other circuit judges, except that residence in a particular county or circuit shall not be a qualification for office.

S.C. Constitution Article V, § 15:

No person shall be eligible to the office of:

- (1) Chief Justice;
- (2) Associate Justice of the Supreme Court;
- (3) judge of the Court of Appeals; or
- (4) judge of the circuit court who is not at the time of his election:
 - (a) a citizen of the U.S. and of this State;
 - (b) at least thirty-two years old;
 - (c) a licensed attorney who has been licensed for at least eight years; and
 - (d) a resident of this State who has been a resident for at least five years immediately preceding his election.

S.C. Constitution Article V, § 16:

The Justices of the Supreme Court and the judges of the Court of Appeals and circuit court shall each receive compensation for their services to be fixed by law, which shall not be diminished during the term. They shall not, while in office, engage in the practice of law, hold office in a political party, or hold any other office or position of profit under the United States, the State, or its political subdivisions except in the militia, nor shall they be allowed any fees or perquisites of office. Any such Justice or judge who shall become a candidate for a popularly elected office shall thereby forfeit his judicial office.

S.C. Constitution Article V, § 18:

All vacancies in the Supreme Court, Court of Appeals, or circuit court shall be filled by elections as prescribed in Sections 3, 8, and 13 of this article; provided, that if the unexpired term does not exceed 1 year such vacancy may be filled by the Governor. When a vacancy is filled by either appointment or election, the incumbent shall hold office only for the unexpired term of his predecessor.

S.C. Constitution Article V, § 27:

In addition to the qualifications for circuit court and Court of Appeals judges and Supreme Court justices contained in this article, the General Assembly by law shall establish a Judicial Merit Selection Commission to consider the qualifications and fitness of candidates for all judicial positions on these courts and on other courts of this State which are filled by election of the General Assembly. The General Assembly must elect the judges and justices from among the nominees of the commission to fill a vacancy on these courts.

No person may be elected to these judicial positions unless he or she has been found qualified by the commission. Before a sitting member of the General Assembly may submit an application with the commission for his nomination to a judicial office, and before the commission may accept or consider such an application, the member of the General Assembly must first resign his office and have been out of office for a period established by law. Before a member of the commission may submit an application with the commission for his nomination to a judicial office, and before the commission may accept or consider such an application, the member of the commission must not have been a member of the commission for a period to be established by law.

§ 2-1-100:

No Senator or Representative shall, during the time for which he was elected, be elected by the General Assembly or appointed by any executive authority to any civil office under the dominion of this State which shall have been created during the time for which such Senator or Representative was elected to serve in the General Assembly.

See, The Joint Legislative Committee for Judicial Screening v. Huff, et al., Op. No. 24348 (filed November 15, 1995).

EXAMPLES OF FORMS PROVIDED TO CANDIDATES ON FLASH DRIVE BY THE JUDICIAL MERIT SELECTION COMMISSION UPON WRITTEN NOTICE OF INTENT TO SEEK A PUBLICIZED JUDICIAL VACANCY BY THE PUBLICIZED DEADLINE.

E X A M P L E

**JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE**

NOTICE: The information requested herein is needed to assist the Commission in its screening of candidates for the judiciary. Since this questionnaire is the initial step in the investigation of your candidacy, it should be returned to the Commission as soon as possible but in any event *no later than 12:00 noon on (date to be advised)*.

Court, Position, and Seat # for which you are applying:

1. NAME: Mr.
Ms.

HOME ADDRESS: *(Note: The Commission will publish only the city/town in your home address.)*

BUSINESS ADDRESS:

E-MAIL ADDRESS:

TELEPHONE NUMBER: (office):
(home): *(Note: The Commission does not publish home telephone numbers.)*

2. Date of Birth: *(Note: The Commission will publish only the year of birth.)*
Place of Birth:
Social Security Number: *(Note: The Commission will not publish this number.)*

3. Are you a citizen of South Carolina?
Have you been a resident of this state for at least the immediate past five years?

4. SCDL# or SCHD#: *(Note: The Commission will not publish these numbers.)*
Voter Registration Number: *(Note: The Commission will not publish this number.)*

5. Family Status: Are you single ();
married ();
widowed ();
divorced ();
separated ()?

- (a) If married, state the date of your marriage and your spouse's full name.
(b) If you have ever been divorced, or are in the process of obtaining a divorce, state the date, name of the moving party, court, and grounds.
(c) State the names of your children and their ages. If your children are old enough to work, include the occupation of each child.
(Note: The Commission no longer publishes information relating to children.)

6. Have you served in the military? If so, give the dates, branch of service, highest rank attained, serial number, present status, and the character of your discharge or release.

7. List each college and law school you attended, including the dates of your attendance, the degrees you received, and if you left an institution without receiving a degree, the reason for your departure.
8. List the states in which you have been admitted to practice law and the year of each admission. Are you a member in good standing in the states in which you are admitted? Has there ever been a time in which you were not a member in good standing? List the date(s) and reason(s) why you were not considered a member in good standing. Also list any states in which you took the bar exam, but were never admitted to the practice of law. If you took the bar exam more than once in any of the states listed, please indicate the number of times you took the exam in each state.
9. List the significant activities in which you took part during your attendance at college, graduate, and law school. Give the dates you were involved in these activities and list any leadership positions you held.
10. Describe your continuing legal or judicial education during the past five years.¹ Include **only** the title and date of any continuing legal or judicial education course completed. **Do NOT attach a separate list this must be listed on your completed PDQ form.**
(Example format below - Please do not insert a table.)

<u>Conference/CLE Name</u>	<u>Date(s)</u>
(a) <i>Annual Judicial Conference</i>	<i>08/21/06</i>
(b) <i>Ethics 2000</i>	<i>12/13/05</i>
11. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs? If so, briefly describe each course or lecture. **Please do not attach a separate list.**
(Example format below - Please do not insert a table.)
 - (a) *I have lectured at the SC Bar Program "Bridge the Gap" for new lawyers.*
 - (b) *I have made presentations on the topics of appellate advocacy and domestic relations to lawyers attending the Annual SC Bar Meeting*
12. List all published books and articles you have written and give citations and the dates of publication for each.
(Example format below - Please do not insert a table.)
 - (a) *S.C. Appellate Practice Handbook (S.C. Bar CLE 1900), Contributing Author;*
 - (b) *Marital Litigation in S.C., Roy T. Stuckey and F. Glenn Smith (S.C. Bar CLE 1900), Editorial Board;*
 - (c)
13. List all courts in which you have been admitted to practice and list the dates of your admission. Give the same information for administrative bodies that require a special admission to practice.
(Example format below - Please do not insert a table.)
 - (a) *Admitted to practice before the State Courts of South Carolina in 1900;*
 - (b) *Also admitted to practice before the Federal District Court and Fourth Circuit Court of Appeals in 1900.*
 - (c)
14. Describe chronologically your legal experience since graduation from law school and include a list of all law firms with which you have been associated. Describe the general character of your practice and divide it into periods with dates if its character has changed over the years.

If you are a judge and are not seeking a different type of judgeship, the following questions are inapplicable:

¹ This information may be obtained from the Commission on CLE & Specialization, 950 Taylor Street, Suite 120, P.O. Box 2138, Columbia, SC 29202, Telephone number (803) 799-5578.

- (a) If you are a candidate for **Family Court**, please provide a brief written description of your experience within each of the following Family Court practice areas: divorce and equitable division of property, child custody, adoption, abuse and neglect, and juvenile justice. Include information about cases you have handled in each of these practice areas, or if you have not practiced in an area, describe how your background has prepared you to preside over such matters as a Family Court Judge.
 - (b) If you are a candidate for **Circuit Court**, please provide a brief written description of your experience in criminal matters, including any cases handled over the past five years and include a brief description of the issues involved. Further, please provide a brief written description of your experience in civil matters, including any cases handled over the past five years and include a brief description of the types of matters handled, issues involved, and procedural history. Please include information such as the primary areas in civil court in which you practice, whether you represent plaintiffs or defendants, or both. You may go back farther than five years if you feel it would assist the Commission with its assessment of your experience. If you lack experience in an area, describe how your background has prepared you to preside over such matters as a Circuit Court Judge, or how you would compensate for your lack of experience in this area.
 - (c) If you are a candidate for **Master-In-Equity**, please provide a brief written description of your experience in the Master's court, including any cases handled over the past five years and include a brief description of the issues involved. Please include the frequency of your appearances before a Master-In-Equity.
 - (d) If you are a candidate for **Administrative Law Judge**, please provide a brief written description of your experience before an Administrative Law Judge, including any issues discussed and the frequency of your appearances before the Administrative Law Court.
15. What is your rating, if any, by any legal rating organization, such as, Best Lawyers, Chambers, Legal 500, Martindale-Hubbell, Who's Who Legal, Super Lawyers, etc.? If you are currently a member of the judiciary, list your last available rating, if any.

Retired judges/justices and judges/justices applying for reelection to their current position may omit Questions 16-21. If a candidate is seeking a judgeship different than his or her current position, Questions 16-21 should be answered based on experience prior to serving on the bench.

16. What was the frequency of your court appearances during the last five years?
- (a) federal:
 - (b) state:
17. What percentage of your practice involved civil, criminal, and domestic matters during the last five years?
- (a) civil:
 - (b) criminal:
 - (c) domestic:
 - (d) other:
18. What percentage of your practice in trial court during the last five years involved matters that went to a jury?
- (a) jury:
 - (b) non-jury:
- Did you most often serve as sole counsel, chief counsel, or associate counsel in these matters?
19. List five of the most significant litigated matters that you have personally handled in either trial or appellate court or before a state or federal agency. Give citations if the cases were reported and describe why these matters were significant. **Do NOT attach a separate list.**
- (a)
 - (b)

- (c)
- (d)
- (e)

20. List up to five civil appeals that you have personally handled. Give the case name, the court, the date of decision, and the citation if the case was reported. **If you are a candidate for an appellate court judgeship, please attach one copy of briefs filed by you in each matter. Do NOT attach a separate list.**
- (a)
 - (b)
 - (c)
 - (d)
 - (e)
21. List up to five criminal appeals that you have personally handled. Give the case name, the court, the date of decision and the citation if the case was reported. Please attach one copy of briefs filed by you in each matter. **If you are a candidate for an appellate court judgeship, please attach one copy of briefs filed by you in each matter. Do NOT attach a separate list.**
- (a)
 - (b)
 - (c)
 - (d)
 - (e)
22. Have you ever held judicial office? If so, list the periods of your service, the courts involved, and whether you were elected or appointed. Describe the jurisdiction of each of the courts and note any limitations on the jurisdiction of each court.
23. If the answer to question 22 is yes, describe or attach five of your most significant orders or opinions and give the citations if they were reported. Also list citations to any appellate review of these orders or opinions.
- (a)
 - (b)
 - (c)
 - (d)
 - (e)
24. Have you ever held public office other than judicial office? If so, list the periods of your service, the office or offices involved, and whether you were elected or appointed. Also, state whether or not you have timely filed your report with the State Ethics Commission during the period you held public office. If not, were you ever subject to a penalty? If so, give details, including dates.
25. List all employment you have had while serving as a judge (whether full-time or part-time, contractual or at will, consulting or otherwise) other than elected judicial office. Specify your dates of employment, employer, major job responsibilities, and supervisor.
26. Have you ever been an unsuccessful candidate for elective, judicial, or other public office? If so, give details, including dates.
27. Have you ever been engaged in any occupation, business, or profession other than the practice of law, teaching of law, or holding judicial or other public office? If so, give details, including a description of your occupation, business, or profession, the dates of your employment, and the name of your business or employer.
28. Are you now an officer or director or involved in the management of any business enterprise? Explain the nature of

the business, your duties, and the term of your service.

29. Provide, **as a separate attachment**, a complete, current financial net worth statement that itemizes in detail:
- (a) the identity and value of all financial assets held, directly or indirectly, including, but not limited to, bank accounts, real estate, securities, trusts, investments, and other financial holdings;
 - (b) the identity and amount of each liability owed, directly or indirectly, which is in excess of \$1,000, including, but not limited to, debts, mortgages, loans, and other financial obligations.
- (Your response to this question may state “see attached”).

(A net worth statement is provided with this questionnaire and you must use this format for submission of your financial statement.)

NOTE: The Commission may require written confirmation that financial obligations have been satisfied or that the parties have agreed upon a payment schedule.

30. Describe any financial arrangements or business relationships that you have, or have had in the past, that could constitute or result in a possible conflict of interest in the position you seek. Explain how you would resolve any potential conflict of interest.
31. Have you ever been arrested, charged, or held by federal, state, or other law enforcement authorities for violation or for suspicion of violation of any federal law or regulation; state law or regulation; or county or municipal law, regulation, ordinance, or any other law including another country’s law? If so, give details but do not include traffic violations for which a fine of \$125 or less was imposed.
32. Have you, to your knowledge, ever been under federal, state, or local investigation for possible violation of a criminal statute? If yes, explain.
33. Has a tax lien or other collection procedure ever been instituted against you by federal, state, or local authorities? Have you ever defaulted on a student loan? Have you ever filed for bankruptcy? If so, give details.
34. Have you ever been sued either personally or professionally, that is, have you ever been named as defendant or respondent in any court of law? If so, give details, including but not limited to dates, and resolution.
35. Have you ever, in South Carolina or any other jurisdiction, as a lawyer, judge, or other professional, been sanctioned for lawyer, judicial, or other professional misconduct or found to have committed such misconduct? If so, give the details and describe any final disposition.
36. Have you ever been investigated by the Department of Social Services? If so, give the details and the resolution. Has your name ever been enrolled on the Central Registry of Child Abuse and Neglect? If so, give the details.
37. If you are in private practice, are you covered by malpractice insurance and, if so, how long have you carried malpractice insurance? If applicable, have you ever been covered by a tail policy? If so, please explain when you were covered by a tail policy. Also, if applicable, indicate your coverage and deductible for your current malpractice policy.
38. Are you active on or a member of a social media or Internet site or have you, to your knowledge, been featured or depicted on a social media or Internet site, such as, Facebook, LinkedIn, Twitter, etc.? If so, how would your use of social media or other similar types of Internet sites be affected if you were serving in a judicial capacity?
39. Are you now or have you ever been employed as a “lobbyist,” as defined by S.C. Code § 2-17-10(13), or have you acted in the capacity of a “lobbyist’s principal,” as defined by S.C. Code § 2-17-10(14)? If so, give the dates of

your employment or activity in such capacity and specify by whom you were directed or employed.

40. Since filing with the Commission your letter of intent to run for judicial office, have you accepted lodging, transportation, entertainment, food, meals, beverages, money, or any other thing of value as defined by S.C. Code § 2-17-10(1) from a lobbyist or lobbyist's principal? If so, please specify the item or items you received, the date of receipt, and the lobbyist or lobbyist's principal involved.
41. S.C. Code § 8-13-700 provides, in part, that "[n]o public official, public member, or public employee may knowingly use his official office, membership, or employment to obtain an economic interest for himself, a member of his immediate family, an individual with whom he is associated, or a business with which he is associated." Please detail any knowledge you have of any formal charges or informal allegations against you or any other candidate for violations of these provisions. Include the disposition, if any, of such charges or allegations.
42. S.C. Code § 8-13-765 provides, in part, that "[n]o person may use government personnel, equipment, materials, or an office building in an election campaign." Please detail any knowledge you have of any formal charges or informal allegations against you or any other candidate for violations of these provisions. Include the disposition, if any, of such charges or allegations.
43. Itemize (by amount, type, and date) all expenditures, other than those for travel and room and board, made by you, or on your behalf in furtherance of your candidacy for the position you seek.
44. List the amount and recipient of all contributions made by you or on your behalf to members of the General Assembly since the announcement of your intent to seek election to a judgeship.
45. Have you directly or indirectly requested the pledge of any member of the General Assembly as to your election for the position for which you are being screened? Have you received the assurance of any public official or public employee that they will seek the pledge of any member of the General Assembly as to your election for the position for which you are being screened? If so, give details.
Note: Attached are a) Section 2-19-70(c); b) JMSC Rule 24, and c) informal opinions and letters concerning pledging prohibitions, with which third parties acting on your behalf, as well as you, must comply.
46. Have you requested a friend or colleague to contact members of the General Assembly on your behalf? If so, give details. Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf? If so, give details.
47. Have you or has anyone acting on your behalf solicited or collected funds to aid in the promotion of your candidacy? If so, please specify the amount, solicitor, donor, and date of the solicitation.
48. Have you or has anyone acting on your behalf contacted members of the Judicial Merit Selection Commission about your candidacy or intention to become a candidate?
49. List all bar associations and professional organizations of which you are a member and give the titles and dates of any offices you have held in such groups.
 - (a)
 - (b)
 - (c)
50. List all civic, charitable, educational, social, and fraternal organizations of which you are or have been a member during the past five years and include any offices held in such a group, any professional honors, awards, or other forms of recognition received and not listed elsewhere.
 - (a)
 - (b)

(c)

51. Provide any other information that may reflect positively or negatively on your candidacy, or which you believe should be disclosed in connection with consideration of you for nomination for the position you seek. This information may include how your life experiences have affected or influenced the kind or type of judge you have been or plan to be.
52. List the names, addresses, and telephone numbers of five persons, including your banker, from whom references could be obtained.
- (a)
 - (b)
 - (c)
 - (d)
 - (e)

Please note:

- (a) The candidate must furnish to the Commission letters of recommendation from each person listed above at the time the application is submitted.
- (b) The letter from your banker should relate to whether you are a “customer in good standing” with the bank.
- (c) **If you are currently a sitting judge, do not submit letters of recommendation from an attorney who will appear before you.**

YOUR SIGNATURE WILL BE HELD TO CONSTITUTE A WAIVER OF THE CONFIDENTIALITY OF ANY PROCEEDING BEFORE A GRIEVANCE COMMITTEE OR ANY INFORMATION CONCERNING YOUR CREDIT.

I HEREBY CERTIFY THAT MY ANSWERS ARE TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

Signature:

Date:

**JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE ADDENDUM FOR CANDIDATES
CURRENTLY SERVING ON THE BENCH**

E X A M P L E

NOTICE: Candidates who are currently members of the judiciary are to complete this Addendum and return it as soon as possible but in any event no later than _____.

Court, Position, and Seat # for which you are applying:

1. NAME: Mr.
Ms.
2. List your positions of employment on the bench chronologically, and include the court, dates of employment, and seat number for each position.
3. Have you ever been disciplined or cited for unprofessional conduct or a breach of ethics? Have you ever been the subject of a formal complaint, or is there a complaint pending against you before a disciplinary committee? If so, give the details and describe any final disposition.
4. Have you ever been criticized, whether informally or in a matter taken to a disciplinary authority, for the manner in which you treated litigants or attorneys before you on the bench? If so, give the details and the reasons why you believe you were the target of such criticism.
5. Describe your personal policy for the acceptance of food, meals, beverages, lodging, transportation, entertainment, social hospitality, or other things of value from an attorney, a group of attorneys, or from other individuals.
6. Have you ever accepted anything of value from an attorney or litigant in a matter currently or previously before you or your court? If so, please give the details, including the name of the attorney or litigant and the thing of value you received.
7. Describe the campaigning you have done for this election and include a list of those individuals you have asked to campaign on your behalf and, to the best of your knowledge, those who have campaigned for you on their own initiative.
8. If you currently hold an interest in stock or other securities or have held such an interest at any time during your service on the bench, list each stock you currently own or owned at one time. If you prefer, you may attach broker or account records containing the requested information instead of listing it here.
9. Describe any financial arrangements, other than the securities listed above, or business relationships which you have, or have had at any point during your service on the bench, that could constitute or result in a conflict of interest.
10. Describe your extra-judicial community involvement. In what ways have you used your judicial office to further these interests?

11. Describe your personal policy for the avoidance of ex parte communication.

I HEREBY CERTIFY THAT MY ANSWERS ARE TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

Signature: _____

Date: _____

PERSONAL INFORMATION SHEET

EXAMPLE

NAME OF CANDIDATE:

FULL NAME OF SPOUSE:

FULL NAME OF MOTHER:

FULL NAME OF FATHER:

HOME ADDRESS:

HOME TELEPHONE:

E-MAIL ADDRESS:

BUSINESS ADDRESS:

BUSINESS TELEPHONE:

CELL # (FOR STAFF PURPOSES ONLY):

DATE OF BIRTH:

RACE:

SOCIAL SECURITY NUMBER:

VOTER REGISTRATION NUMBER:

SC DRIVERS LICENSE NUMBER:

LIST ALL SOUTH CAROLINA COUNTIES WHERE YOU HAVE RESIDED AND THE DATES OF YOUR RESIDENCE:

LIST NAMES OF CURRENT/PAST SPOUSES AND DATE OF MARRIAGE/DIVORCE:

Your signature will be held to constitute a waiver of the confidentiality of any proceedings before a grievance committee or any information concerning your credit. Further, you agree to do whatever necessary to help obtain such information.

I HEREBY CERTIFY THAT THE ANSWERS TO THE ABOVE QUESTIONS ARE TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

Date:

Signature: _____

**JUDICIAL MERIT SELECTION COMMISSION
STATEMENT OF ECONOMIC INTERESTS**

EXAMPLE

NOTICE: Answer each of the questions below or indicate that the question is inapplicable. This statement should be returned to the Commission as soon as possible but in any event no later than _____.

S.C. Code Section 8-13-910 requires candidates to file a statement of economic interests with the Chairman of the Senate Ethics Committee and the Chairman of the House of Representatives Ethics Committee. **The completion of this form for the Judicial Merit Selection Commission does not satisfy the requirements of Section 8-13-910, and candidates should also complete the State Ethics Commission's statement of economic interests.**

Court, Position, and Seat # for which you are applying:

1. Name: Mr.
Ms.
2. Itemize the income, expenses, fees, payments, or additional benefits exceeding \$500, in the aggregate, received by you or a member of your immediate family from South Carolina state and local entities. List the type, source, and amount or value of the benefit. Be sure to list any expense reimbursement you received separately from your income.
3. Identify the name of each business with which you are associated which is regulated by a state agency with which you are associated. List each regulated business, your relationship to that business, and the regulatory involvement by your agency with that business.
4. Describe any interest you or a member of your immediate family has in real property:
 - (a) in which there is a potential conflict of interest with your involvement in a South Carolina state or local public agency;
 - (b) in which there have been public improvements of \$200 or that adjoins property in which there have been public improvements of \$200; or
 - (c) which was sold, leased, or rented to a state or local public agency in South Carolina.

List the interest you hold and the value and location of the property. Identify as applicable the:

 - (a) nature of any potential conflict of interest;
 - (b) nature and value of any public improvements; and
 - (c) South Carolina state or local public agency which purchased or is leasing or renting such property.

Attach a copy of any contract or agreement.
5. Identify any personal property interest you or a member of your immediate family sold, leased, or rented to a South Carolina state or local public agency. Identify the property, its amount or value, and the name of the agency. Attach a copy of any contract or agreement.
6. Identify every business or entity in which you or a member of your immediate family holds or controls, in the aggregate, securities or interests constituting 5% or more of the total issued and outstanding securities and interests which constitute a value of more than \$100,000. Describe the business and your relationship to that business.
7. Identify by name and address any creditor to whom you or a member of your immediate family owed a debt in excess of \$500 at any time during the prior calendar year. List the original and outstanding amounts, the name and address of the creditor(s), and the rate of interest. Do not include debt:

- (a) on credit cards or retail installment contracts;
 - (b) promised or loaned by a bank, savings and loan, or other licensed financial institution which loans money in the ordinary course of business and on terms and interest rates generally available to a member of the general public without regard to status as a public official, public member, or public employee; or
 - (c) promised or loaned by a family member not acting as your agent or intermediary to a financial institution.
8. Identify any lobbyist who is a member of your immediate family or with whom you or a member of your immediate family is associated in business. Describe your relationship to that lobbyist.
9. Identify any lobbyist or lobbyist's principal who has purchased goods or services in excess of \$200 from you, a member of your household, or an individual or business with which you are associated. Identify the goods or services purchased, the amount, and the person from whom such goods or services were purchased.
10. Identify any compensation you received from an individual or business that contracts with a public agency with which you are associated. Disclose the name and address of the contractor, your relationship to the contractor, the agency contracted with, the nature of the contracts, and the amount of compensation you received from the contractor.
11. Identify all gifts, including transportation, lodging, food, and entertainment, given:
- (a) as a result of your public position;
 - (b) by someone seeking a contractual or business relationship with your agency; or
 - (c) by a donor whose activities are regulated by your agency and whose gifts to you exceed, in the aggregate, more than \$25 in one day or \$200 during the calendar year.

Identify the type or nature of the gift, its value, and the donor's relationship to you.

I HEREBY CERTIFY THAT MY ANSWERS ARE TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

Signature:

Date:

E X A M P L E

CONFIDENTIAL FINANCIAL STATEMENT
NET WORTH

Provide a complete, current financial net worth statement that itemizes in detail all assets (including bank accounts, real estate, securities, trusts, investments, and other financial holdings) and all liabilities (including debts, mortgages, loans, and other financial obligations).

ASSETS

Cash on hand in banks
U.S. Government securities-add
 schedule
Listed securities-add schedule
Unlisted securities-add schedule
Accounts and notes receivable:
 Due from relatives and friends
 Due from others
 Doubtful
Real estate owned-add schedule
Real estate mortgages receivable
Cash value-life insurance
Other assets-itemize:

Total assets

LIABILITIES

Notes payable to banks-secured
Notes payable to banks-unsecured
Notes payable to relatives
Notes payable to others
Accounts and bills due
Unpaid income tax
Other unpaid tax and interest
Real estate mortgages payable
 Add schedule
Chattel mortgages and other liens
 payable
Other debts-itemize:

Total liabilities
Net worth

CONTINGENT LIABILITIES

As endorser, co-maker or guarantor
On leases or contracts
Legal claims
Provision for Federal Income Tax
Other special debt

GENERAL INFORMATION

Are any assets pledged?
(Add schedule)
Are you defendant in any suits or
legal actions?
Have you ever taken bankruptcy?

I HEREBY CERTIFY THAT MY ANSWERS ARE TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE. I UNDERSTAND THAT STAFF MAY ASK ME TO SUPPLY DOCUMENTATION TO SUBSTANTIATE THE VALUES LISTED. SUCH DOCUMENTATION MIGHT INCLUDE, BUT IS NOT LIMITED TO, CERTIFIED COPIES OF THE FOLLOWING: BANK ACCOUNT STATEMENTS, BROKERAGE ACCOUNT STATEMENTS, INSURANCE POLICIES, TRUST AGREEMENTS, PROPERTY APPRAISALS (REAL AND PERSONAL), PROPERTY TAX RECORDS, NOTES, MORTGAGES AND ANY OTHER RELEVANT DOCUMENT TO SUBSTANTIATE THE VALUE LISTED FOR ANY ASSET, LIABILITY OR CONTINGENT LIABILITY.

Date: _____ Signature: _____

EXAMPLE

**JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE
FOR RETIRED JUDGES/JUSTICES**

NOTICE: The information requested herein is needed to assist the Commission in its screening of retired members of the judiciary for eligibility for continued appointment by the Chief Justice. The questionnaire should be returned to the Commission as soon as possible.

NAME: _____

HOME ADDRESS:

TELEPHONE NUMBER:

BUSINESS ADDRESS:

BUSINESS TELEPHONE:

E-MAIL ADDRESS:

2. Date and Place of Birth:
Social Security Number:
3. Are you a citizen of South Carolina?
Have you been a resident of this state for at least the immediate past five years?
4. SCDL# or SCHD#:
Voter Registration Number:
5. Family Status: Are you single () ;
 married () ;
 widowed () ; or
 divorced () ?
 - (a) If married, state the date of your marriage and your spouse's full name.
 - (b) If you have ever been divorced, or in the process of obtaining a divorce, state the date, name of the moving party, court, and grounds.
 - (c) State the names of your children and their ages. If your children are old enough to work, include the occupation of each child.
6. Briefly describe your continuing legal or judicial education since your last screening.² Include **only** the title and date of any continuing legal or judicial education course completed. **Do NOT attach a separate list, this must be listed on your completed PDQ form.**
(Example format below - Please do not insert a table.)

<u>Conference/CLE Name</u>	<u>Date(s)</u>
(a) Annual Judicial Conference	08/21/06
7. Have you practiced law or served as a mediator or arbitrator since your retirement from the judiciary? If so,

² This information may be obtained from the Commission on CLE & Specialization, 950 Taylor Street, Suite 120, P.O. Box 2138, Columbia, SC 29202, Telephone number (803) 799-5578.

please describe.

8. List your positions of employment on and/or appointment to the bench chronologically. You are not required to list dates of employment or appointment prior to your last screening.
9. Are you now an officer or director or involved in the management of any business enterprise? Explain the nature of the business, your duties, and the term of your service.
10. Provide, **as a separate attachment**, a complete, current financial net worth statement that itemizes in detail:
 - (a) Identify all financial assets held, directly or indirectly, including, but not limited to, bank accounts, real estate, securities, trusts, investments, and other financial holdings.
 - (b) Identify each liability owed, directly or indirectly, which is in excess of \$1,000, including, but not limited to, debts, mortgages, loans, and other financial obligations.

(Your response to this question may state “see attached”).

(A net worth statement is provided with this questionnaire and you must use this format for submission of your financial statement.)

11. Since your last screening, have you been arrested, charged, or held by federal, state, or other law enforcement authorities for violation or for suspicion of violation of any federal law or regulation, state law or regulation or county or municipal law, regulation or ordinance, or any other law, including another country’s law? If so, give details but do not include traffic violations for which a fine of \$125 or less was imposed.
12. Since your last screening, have you, to your knowledge, been under federal, state, or local investigation for possible violation of a criminal statute? If yes, explain.
13. Since your last screening, has a tax lien or other collection procedure been instituted against you by federal, state, or local authorities? Since your last screening, have you defaulted on a student loan? Since your last screening, have you filed for bankruptcy? If so, give details.
14. Since your last screening, have you been sued, either personally or professionally? If so, give details.
15. Since your last screening, have you, as a lawyer, judge, or other professional, in South Carolina or any other jurisdiction, been sanctioned for lawyer, judicial, or other professional misconduct or found to have committed such misconduct? If so, give the details and describe any final disposition.
16. Since your last screening, have you been criticized, whether informally or in a matter taken to a disciplinary authority, for the manner in which you treated litigants or attorneys before you on the bench? If so, give the details and the reasons why you believe you were the target of such criticism.
17. Describe your personal policy for the acceptance of food, meals, beverages, lodging, transportation, entertainment, social hospitality, or other things of value from an attorney, a group of attorneys, or from other individuals.
18. Have you ever accepted anything of value from an attorney or litigant in a matter currently or previously before you or your court? If so, please give the details, including the name of the attorney or litigant and the thing of value you received.
19. Provide any other information which may reflect positively or negatively on your candidacy, or which you believe should be disclosed in connection with consideration of you for nomination for the position you seek.

20. For the last fully completed calendar year, itemize the income, expenses, fees, payments, or additional benefits exceeding \$500, in the aggregate, received by you or a member of your immediate family from South Carolina state and local entities. List the type, source, and amount or value of the benefit. Be sure to list any expense reimbursement you received separately from your income.
21. Describe any interest you or a member of your immediate family has in real property:
- (a) in which there is a potential conflict of interest with your involvement in a South Carolina state or local public agency;
 - (b) in which there have been public improvements of \$200 or that adjoins property in which there have been public improvements of \$200; or
 - (c) which was sold, leased, or rented to a state or local public agency in South Carolina.

List the interest you hold and the value and location of the property. Identify as applicable the:

- (a) nature of any potential conflict of interest;
 - (b) nature and value of any public improvements; and
 - (c) South Carolina state or local public agency which purchased or is leasing or renting such property.
- Attach a copy of any contract or agreement.

22. Identify any personal property interest you or a member of your immediate family sold, leased, or rented to a South Carolina state or local public agency. Identify the property, its amount or value, and the name of the agency. Attach a copy of any contract or agreement.

I HEREBY CERTIFY THAT MY ANSWERS ARE TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

Signature: _____

Date: _____

Date:

Deborah McKeown, Commission Counsel
Commission on Judicial Conduct and Commission on Lawyer Conduct
1015 Sumter Street, Suite 305
Columbia, South Carolina 29201

Dear Ms. McKeown:

This is to authorize the Commission on Judicial Conduct, the Commission on Lawyer Conduct, and/or the Supreme Court to inform the Judicial Merit Selection Commission whether I have ever in South Carolina or any other jurisdiction as a lawyer or judge been sanctioned for lawyer, judicial, or other professional misconduct or found to have committed any such misconduct to the knowledge of that Court and/or that Commission.

I waive any and all rights to confidentiality concerning such information and I authorize you to provide to the Judicial Merit Selection Commission the facts and records relating to any such misconduct. Please send the information to Jane O. Shuler, P.O. Box 142, Gressette Building, Room 104, Columbia, S.C. 29202.

Print Name

SIGNATURE

cc: The Honorable Jean Hoefer Toal
Chief Justice, South Carolina Supreme Court
Post Office Box 11330
Columbia, South Carolina 29211

Jane O. Shuler, Chief Counsel
Judicial Merit Selection Commission
P.O. Box 142
Columbia, S.C. 29202

(DATE)

EXAMPLE

JUDICIAL MERIT SELECTION COMMISSION)

In the Matter of:)

_____,)
candidate for the)

_____, Court,)

Seat Number _____, of)

_____ Circuit.)

WITNESS AFFIDAVIT FORM

I will appear to testify concerning the qualifications of the above-named candidate and will produce all documents in my possession, if any, which will further develop or corroborate my testimony.

I understand that this written statement must be completed and returned to the Judicial Merit Selection Commission by the deadline established by the commission prior to the hearing at which I wish to testify in order for the commission to hear my testimony.

In regard to my intended testimony, I will offer information as to the following:

- (1) Set forth your full name, age, address, and both home and work telephone numbers.
- (2) Set forth the names, addresses, and telephone numbers (if known) of other persons who have knowledge of the facts concerning your testimony.
- (3) State the nature of your testimony regarding the qualifications of the above-named judicial candidate, including:
 - (a) specific facts relating to the candidate's character, competency, or ethics, including any and all allegations of wrongdoing or misconduct on the part of the candidate;
 - (b) specific dates, places, and times at which or during which such allegations took place;
 - (c) names of any persons present during such alleged actions or possessing evidence of such alleged actions; and
 - (d) how this information relates to the qualifications of the judicial candidate.
- (4) Set forth a list of and provide a copy of any and all documents to be produced at the hearing which relate to your testimony regarding the qualifications of the judicial candidate.
- (5) State any other facts you feel are pertinent to the screening of this judicial candidate.

I understand that the information I have provided herein is confidential and is not to be disclosed to anyone except the Judicial Merit Selection Commission and counsel.

WAIVER

I further understand that my testimony before the Judicial Merit Selection Commission may require the disclosure of information that would otherwise be protected by the attorney-client privilege. Therefore, in order that my complaint may be fully investigated by the commission, I hereby waive any right that I may have to raise the attorney-client privilege as that privilege may relate to the subject of my complaint. I further understand that by waiving the attorney-client privilege for this matter, I am authorizing the commission to question other parties, including my attorney, concerning the facts and issues of my case.

Signature:

Sworn to me this ____ day of _____ Year.

L.S.

Notary Public of South Carolina

My commission expires:

EXAMPLE OF LETTER TO MEMBERS OF THE SOUTH CAROLINA BENCH AND BAR

The Judicial Merit Selection Commission would like your input in the General Assembly's screening of candidates for judicial office. The Commission must determine whether each candidate for judicial office is qualified to serve, and in this regard it seeks the opinion of practicing attorneys, members of the judiciary, clerks of court, and sheriffs as to each candidate's fitness for the bench. Please note that this request is separate and distinct from the survey responses requested by the South Carolina Bar.

The Commission's ability to determine whether a particular candidate is fit for service on the bench is only as good as its knowledge of the candidate. The Commission conducts a thorough investigation of each candidate, relying in part on responses to the bench/bar questionnaire. The best and most reliable information is that from a known source with first-hand knowledge of the candidate. The second best information is that from a source who, while anonymous, cites specific occurrences or patterns of behavior that would speak to the candidate's fitness for the bench. The Commission seeks both types of information for its investigation. Please complete the questionnaire and include as much detailed information as possible, or contact the Commission directly with information on any or all of the following candidates:

Your responses to this questionnaire may be anonymous and will be kept strictly confidential. While anonymous questionnaires will not be used as evidence of a judicial candidate's qualifications or lack thereof, the Commission will use the questionnaire responses during its investigative process. Comments may identify potential areas of concern such as a pattern of poor judicial temperament, ethical violations, or other inappropriate conduct that would warrant more intensive investigation and examination by the Commission. If you wish to testify concerning an area of concern about a candidate, you must file a formal complaint with the Commission on or before Noon on (date to be advised). (Please note this Commission will not utilize responses to this questionnaire as a formal complaint.)

The Commission now utilizes e-mail as the main method to distribute the questionnaire. You have the option of using a questionnaire located on the Judicial Merit Selection Commission homepage, <http://intranet.scstatehouse.gov/html-pages/judmerit.html>. This questionnaire can be downloaded, completed, and returned by e-mail, or, *to maintain the confidentiality of the process*, completed and mailed to the Commission address. The e-mail address for the Commission is: jms@scstatehouse.gov. If you would like to comment on more than one candidate, please photocopy the questionnaire. Be sure to indicate the candidate's name at the top of each questionnaire.

The screening process is currently underway, so please return the questionnaires using the U.S. Mail or e-mail by Noon on (date to be advised). If you have questions or if you have information you would like to give to the Commission directly, please call 803-212-6623. Your assistance is appreciated.

Sincerely,
Chairman of the Commission

Judicial Merit Selection Commission
Ballotboxonline Survey for Members of the Bench and Bar

You will be e-mailed an electronic ballot from Ballotboxonline to complete on the judicial candidates. Thank you for your participation and assistance with this survey. Your responses will be kept strictly confidential. Please complete this survey by ***Noon on (date to be advised)***. Please note this Commission will not utilize responses to this questionnaire as a formal complaint. If you wish to testify concerning an area of concern about a candidate, you must file a formal complaint with the Commission on or before ***Noon on (date to be advised)***.

EXAMPLE

Candidate Review: Court, Circuit, and Seat

Candidate Name, Home City/Town:

1. Does the candidate meet the Constitutional Qualifications? Yes or No?
2. **Ethical Fitness:**
Is the candidate well-qualified, qualified, unqualified, or no opinion?
3. **Professional and Academic Ability:**
Is the candidate well-qualified, qualified, unqualified, or no opinion?
4. **Character:**
Is the candidate well-qualified, qualified, unqualified, or no opinion?
5. **Reputation:**
Is the candidate well-qualified, qualified, unqualified, or no opinion?
6. **Physical and Mental Health:**
Is the candidate well-qualified, qualified, unqualified, or no opinion?
7. **Experience Level:**
Is the candidate well-qualified, qualified, unqualified, or no opinion?
8. **Judicial Temperament:**
Is the candidate well-qualified, qualified, unqualified, or no opinion?

A box is provided for write-in answers on each candidate.

INFORMATON REGARDING WITHDRAWAL FROM
A JUDICIAL RACE

In accordance with Judicial Merit Selection Commission rules, a withdrawal from a judicial race is not official until the Judicial Merit Selection Commission receives a letter of withdrawal signed by the candidate and addressed to the Commission. The name of a candidate will appear on the election agenda unless the Commission receives official notification of withdrawal. A sample withdrawal letter is below:

.....

DATE

Dear Chairman of the Judicial Merit Selection Commission and/or Jane Shuler, Chief Counsel:

I am writing to respectfully withdraw my name as a candidate for _____. (Court Name and Seat #).

Sincerely,

Candidate's Name

.....